



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

-
23rd Session
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NR0143E1
(+ Annex)

O. Fr.

Brussels, 13 February 2001.

AMENDMENT OF THE TEXT OF SUBHEADING 9021.10
IN ORDER TO ALIGN THE FRENCH AND ENGLISH VERSIONS
(Item III.A.8 on Agenda)

Reference documents :

Doc. 22.333 (Original HSC/11 – May 1976)	NC0230E1 (HSC/25)
Doc. 27.796, Annex III (8 September 1981)	NC0250E2, Annex IJ/18 (HSC/25 - Report)
Doc. 28.939, paragraphs 47 and 48 (NC/49/Oct. 82)	NR0120E1 (RSC/22)
Doc. 29.300, Annexes D/18 and L/14 (NC/49/Oct. 1982)	NR0133E2, Annex D/10 (RSC/22 – Report)
Doc. 34.418 (HSC/1)	NC0340E2, Annex E/1, paragraphs 26 and 27 (HSC/26 – Report)
Doc. 34.830 of 1 September 1988, paragraph 94 (Minutes of the 71 st /72 nd Sessions of the Council)	

I. BACKGROUND

1. At its 25th Session, on examining the classification of lumbar support belts in the Harmonized System, the Harmonized System Committee noted an apparent lack of alignment between the English and French versions of existing subheading 9021.1 (HS 2002 subheading 9021.10).
2. It was therefore agreed to refer the question of alignment of the texts to the Review Sub-Committee. Accordingly, in the Annex to Doc. NR0120E1, the Secretariat proposed that the French version of the heading and subheading texts concerned be aligned by inserting the words “Articles et” in the French text of HS 2002 subheading 9021.10.
3. The Review Sub-Committee examined this proposal at its 22nd Session but could not come to a conclusion and decided to re-examine the entire question at its next session (Annex D/10 to Doc. NR0133E2, paragraph 9 – RSC/22, Report).

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II. SECRETARIAT COMMENTS

4. Initially, during the preparation of the HS, the two versions of the text of heading 90.19 of the CCCN (which was later to become HS heading 90.21) were amended with a view to their mutual alignment. Thus, the English words «Orthopaedic *appliances*» corresponding to the French words “Appareils d’orthopédie” in the CCCN were translated in the French version of the HS by “*Articles et appareils* d’orthopédie”. The same applies to the 6-digit subheading which, in English, reads “Orthopaedic or fracture *appliances*” and, in French, “*Articles et appareils* d’orthopédie ou pour fractures” (Doc. 22.333 of 20 May 1976 – HSC/11 – paragraph 45 and Annex XXII).
5. It was only following a Swiss proposal that artificial joints should also be mentioned (Annex III to Doc. 27.796 of 8 September 1981) that subheading 9021.10 was subdivided into two 2-dash subheadings, in accordance with the same structure as that which exists at present, namely, for the corresponding 1-dash subheading 9021.1 : “Artificial joints and other orthopaedic or fracture appliances” in the English version and “Prothèses articulaires et autres appareils d’orthopédie ou pour fractures” in the French (Doc. 28.939, paragraphs 45 and 46 and Annexes D/18 and L/14 to Doc. 29.300 – NC/49/Oct. 1982).
6. It should be pointed out that the Swiss request concerned only the addition of a supplementary subdivision specifically to permit the classification of artificial joints in subheading 9021.11, in view of their commercial importance. It therefore seems that the intention was not to correct a misalignment between the two versions or to delete the word “articles” in the French version.
7. Furthermore, the Secretariat notes that in several other headings of Chapter 90, as well as in the last part of heading 90.21, the English word “appliances” is translated by the single French word “appareils”. This translation seems to be confirmed by the dictionaries consulted, although some of them indicate that the word tends to be reserved for appliances using electricity or another source of energy (McGraw-Hill and Dictionnaire des techniques et technologies modernes).
8. The Secretariat still considers that, from a terminological standpoint, the French and English versions of HS 2002 subheading 9021.10 are not really misaligned. The main problem is that the word “appliances” is translated differently in the text of 4-digit heading 90.21 and in the corresponding subheading of the structured nomenclature.
9. Thus, the question is whether the English word “appliances” covers both of the words “articles et appareils” in the French version or can be translated by the single word “appareils”. The following two alternatives should therefore be considered.

First alternative : “appliances” = “articles et appareils”
10. If the Sub-Committee considers that the English word “appliances” covers both of the French words in “articles et appareils”, it would only be necessary to insert the words “articles et” in the French text of subheading 9021.10. The corresponding draft amendment prepared by the Secretariat is reproduced in the Annex to this document, as a first alternative.

11. Changing the French version of the subheading in this way has the advantage of bringing it into line with the text of the 4-digit heading and it should be recalled that this alignment existed at the beginning. Thus, this draft amendment could still be made by corrigendum, if the Sub-Committee considers that the misalignment between the two versions is simply due to the omission of the word “articles” from the French version.

Second alternative : “appliances” = “appareils”

12. When this question was examined at the 22nd Session, some Sub-Committee delegates asked whether, if the French version were to be amended, the English texts of HS 2002 subheading 9021.10 and heading 90.21 should not also be amended.
13. Although there is no misalignment in the English version between the text of heading 90.21 and that of subheading 9021.10, the suggested amendments would have the advantage of achieving an exact and more rigorous alignment of the French and English versions, at both 4-digit heading and subheading levels.
14. If the Sub-Committee considers that the English word “appliances” covers only “appareils” in French, then it would be advisable not only to insert the words “Articles et” in the French text of subheading 9021.10 but also to amend the English texts of heading 90.21 and subheading 9021.10 by inserting the words “Articles and” in front of “appliances”, provided it is indeed the intention to include therein orthopaedic and fracture articles as well as appliances. The draft amendment prepared by the Secretariat is reproduced in the Annex, as a second alternative.

III. CONCLUSION

15. The Sub-Committee is invited to examine the draft amendments annexed hereto in the light of the Secretariat’s comments. If the first alternative is adopted, it is also invited to give its views on the possibility of making the amendment by corrigendum.

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